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MYSORE ACT No. XXVIII OF 1949.

THE MYSORE LABOUR HOUSING ACT, 1949.

(Received the assent of His Highness the Maharaja on the 13th day of February 1949.)

An Act for making provision for proper housing for labour.

WHEREAS it is deemed necessary to provide for the welfare of labour by making provision for proper housing accommodation and for other connected purposes;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Labour Housing Act, 1949.

(2) It extends to the [1][whole of the State of Mysore except Bellary District.]

(3) It shall come into force at once.

Definitions

2. (1) In this Act unless there is anything repugnant in the subject or context,—

(*i*) 'contribution' means the sum of money payable to the Corporation by an employer under section 3;

(*ii*) 'Corporation' means the Mysore Labour Housing Corporation established under this Act;

(*iii*) 'duly appointed' means appointed in accordance with the provisions of this Act or the rules, regulations or orders made thereunder;

(*iv*) 'employee' means any person who is employed for hire or reward to do any work, skilled or unskilled, manual or clerical, in a scheduled employment, and also includes any person declared to be an employee by the Government by notification in the official Gazette;

(*v*) 'employer' means any person who employs, whether directly or through another person, or whether on behalf of himself or any other person, one or more employees in any scheduled employment, and includes,

(*a*) in a factory the owner or occupier of the factory and includes the managing agent of such owner

1. See the Mysore Adaptation of Laws Order, 1963.

or occupier, the legal representative of a deceased owner or occupier and where a person has been named as the manager of the factory under clause (*e*) of sub-section (1) of section 9 of the Mysore Factories Act, 1936, (I of 1936), the person so named;

(*b*) in any scheduled employment under any local authority, the person appointed by such authority for the supervision and control of employees or where no person is appointed, the chief executive officer of the local authority;

(*c*) in any other case any person responsible for the supervision and control of the establishment;

(*vi*) 'Fund' means the Mysore Labour Housing Fund constituted under section 16;

(*vii*) 'house' includes any yard, garden, out-houses and appurtenances belonging thereto or usually enjoyed therewith;

(*viii*) 'land' includes any right over land;

(*ix*) 'owner' in relation to any building or land, means a person other than a mortgagee not in possession, who is for the time being entitled to sell the building or land, and includes also a person holding or entitled to the rents and profits of the building or land;

(*x*) 'prescribed' means prescribed by rules under this Act;

(*xi*) 'regulation' means a regulation made by the Corporation;

(*xii*) 'scheduled employment' means any employment specified in the Schedule and includes any employment which the Government may, by notification in the official Gazette, specify as a scheduled employment;

(*xiii*) 'street' includes any alley, passage, square or row of houses, whether a thoroughfare or not;

(*xiv*) 'wages' means all remuneration capable of being expressed in terms of money, earned under the terms of his contract of employment, express or implied, by an employed person in respect of his employment or of work done in such employment and includes any sum earned as overtime pay, bonus or additional remuneration for increased output, or any other additional remuneration of

the nature aforesaid, and any sum payable to such person to counteract abnormal economic conditions or by reason of the termination of his employment, but does not include—

(*a*) the value of any house accommodation, supply of light, water, medical attendance or other amenity or of any service excluded by general or special order of the Government;

(*b*) any contribution paid by the employer to any pension fund or provident fund;

(*c*) any travelling allowance or the value of any travelling concession;

(*d*) any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment; or

(*e*) any gratuity payable on discharge.

(*xv*) 'working class' includes mechanics, artisans, labourers and others working for wages, hawkers, persons not working for wages but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income in any case does not exceed on an average one hundred and twenty-five rupees a month, and the families of any of such persons who may be residing with them.

(2) For the purposes of any provisions of this Act relating to the provision of housing accommodation, the expression 'house' includes, unless the context otherwise requires, any part of a building which is occupied or intended to be occupied as a separate dwelling.

(3) In determining for the purposes of this Act whether a house is fit for human habitation, regard shall be had to the extent, if any, to which by reason of disrepair or sanitary defects the house falls short of any municipal bye-laws or laws in operation in the area in which such house is situated or of any other provision of law for the time being in force in such area dealing with the construction and drainage of new buildings and the laying out and construction of new streets or of the general standard of housing accommodation for working classes in such area.

General.

Imposition and collection of contribution.

3. There shall be levied and collected from every employer a contribution at a rate not exceeding four per cent on the monthly wage bill of the concern in respect of every employee whose income does not exceed on an average one hundred and twenty-five rupees a month who is not provided by such employer with housing accommodation of such standard as may be prescribed by the Government:

Provided, however, it shall be open for any employer to pay this contribution or any part thereof either in a lumpsum payment equivalent to one-third the cost of the house or in agreed instalments.

Liability of the Corporation regarding provision of houses for employees.

4. It shall be the duty of the Corporation to provide proper houses for employees as near as possible to their place of work of such types and designs and in accordance with such schemes as the Government may approve.

Establishment of the Corporation.

Establishment and incorporation of Mysore Labour Housing Corporation.

5. (1) The Government shall, by notification in the official Gazette, constitute a Mysore Labour Housing Corporation to prepare and carry out, subject to the previous approval of the Government, schemes, financed from the Mysore Labour Housing Fund for the provision of suitable housing accommodation for employees and to carry out the other functions of the Mysore Labour Housing Corporation under this Act.

(2) The Corporation shall consist of members representing the Government, employers and employees and shall be of such number and chosen in such manner as may be prescribed, but at least one member shall be a woman. The Corporation shall have a chairman whose appointment shall be subject to the approval of the Government.

(3) The Corporation shall be a body corporate by the name of Mysore Labour Housing Corporation having perpetual succession and a common seal and shall by the said name sue and be sued.

Authentication of orders, decisions, etc.

6. All orders and decisions of the Corporation shall be authenticated by the signature of the chairman or some

other member authorised by the Corporation in this behalf and all other instruments issued by the Corporation shall be authenticated by the signature of such member or officers of the Corporation as may be authorised in this behalf.

Disqualification.

7. A person shall be disqualified for being chosen as or for being a member of the Corporation,—

(*a*) if he is declared to be of unsound mind by a competent Court; or

(*b*) if he is an undischarged insolvent; or

(*c*) if he has directly or indirectly by himself or by his partner any interest in a subsisting contract with, or any work being done for, the Corporation except as a shareholder (not being a director) of a Company; or

(*d*) if before or after the commencement of this Act, he has been convicted of an offence involving moral turpitude and sentenced to transportation or imprisonment unless a period of ten years or such less period as the Government may allow in any particular case, has elapsed after his release.

Officers of the Corporation.

8. The Corporation may, with the approval of the Government and subject to such conditions of service as may be prescribed, appoint officers of the Corporation whose maximum monthly salary is five hundred rupees and above.

Staff of the Corporation.

9. (1) The Corporation may employ such other staff of officers and servants as may be necessary for the efficient transaction of its work provided that the sanction of the Government shall be obtained for the creation of any post with a maximum monthly salary of two hundred rupees and above.

(2) The Corporation shall, with the approval of the Government make regulations regarding the method of recruitment, pay and allowances, discipline, superannuation benefits and other conditions of service of the members of its staff.

(3) Every appointment to posts carrying a maximum monthly pay of two hundred rupees and above shall be made in consultation with the Public Service Commissioner :

Provided that this sub-section shall not apply to an officiating or temporary appointment for an aggregate period not exceeding one year.

Meetings of the Corporation.

10. Subject to any rules made under this Act, the Corporation shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at their meetings as may be specified by regulations made in this behalf.

Additional measures which the Corporation may promote.

11. The Corporation may, in addition to preparing and carrying out schemes for the provision of suitable housing accommodation for employees, promote measures directed towards,—

(*i*) the provision of gardens, playgrounds and recreational facilities;

(*ii*) the improvement of public health and sanitation;

(*iii*) provision of water supplies and facilities for washing;

(*iv*) the provision of transport to and from work;

and may incur in respect of such measures expenditure from the funds of the Corporation within such limits as may be prescribed by the Government.

Supersession of the Corporation

12. (1) If in the opinion of the Government the Corporation persistently makes default in performing the duties imposed on it by or under this Act or abuses its powers, the Government may, by notification in the official Gazette, supersede the Corporation:

Provided that before issuing a notification under this sub-section the Government shall give a reasonable opportunity to the Corporation to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Corporation.

(2) Upon the publication of a notification under sub-section (1) superseding the Corporation, all the members of the Corporation shall, as from the date of such publication, be deemed to have vacated their offices.

(3) When the Corporation has been superseded, the Government may,—

(*a*) immediately nominate or cause to be nominated or elected new members to the Corporation in accordance with sub-section (2) of section 5;

(*b*) in its discretion appoint such agency for such period as it may think fit to exercise the powers and perform the functions of the Corporation and such agency shall be competent to exercise all the powers and perform all the functions of the Corporation.

(4) The Government shall cause a full report of any action taken under this section and the circumstances leading to such action to be laid before the Mysore Legislature at the earliest opportunity.

Duties of officers of the Corporation.

13. The officers appointed in accordance with section 8 shall exercise such powers and discharge such duties as may be prescribed. They shall also perform such other functions as may be specified in the regulations.

Acts of the Corporation not invalid by reason of informality, etc

14. No act of the Corporation shall be deemed to be invalid by reason of any defect in the constitution of the Corporation or on the ground that any member thereof was not entitled to hold or continue in office by reason of any disqualification or of any irregularity in his nomination or election, or by reason of such act having been done during the period of any vacancy in the office of any member of the Corporation.

Local Committees.

15. The Corporation may, subject to the approval of the Government, appoint Local Committees in such areas and in such manner and delegate to them such powers and functions as may be prescribed.

Finance and Audit.

The Mysore Labour Housing Fund.

16. (1) The contribution paid under this Act and all other moneys received on behalf of the Corporation shall be paid into a Fund called the Mysore Labour Housing Fund which shall be held and administered by the Corporation for the purposes of this Act.

(2) The Corporation may accept grants, donations and gifts from the Government or any local authority or any individual or body whether incorporated or not, for all or any of the purposes of this Act.

(3) All moneys accruing or payable to the said Fund shall be received by such officers of the Corporation as may be authorised by it in this behalf and shall forthwith be paid by them into the Government treasury or any bank as may be approved by the Government to an account styled the account of the Mysore Labour Housing Fund.

(4) Such account shall be operated on by such officers as may be authorised by the Corporation.

Grants by the Government.

17. (1) The Government shall, every year during the first three years, make a grant to the Corporation of a sum equivalent to two-thirds of the administrative expenses of the Corporation not including therein the cost of any schemes of housing for which provision has been made by or under this Act.

(2) The Corporation shall, on such date as the Government may specify in this behalf, furnish a statement to the Government showing the amount required by the Corporation during the ensuing year to execute the housing schemes, and on receipt of such statement the Government shall, after satisfying itself of the correctness of the statement, make a grant to the Corporation of such amount, not exceeding the amount specified in the said statement. The said statement shall be in such form and shall contain such particulars as the Government may specify in this behalf:

Provided that the entire grant or such portion of it as may be fixed by the Government may be made as a loan to the Corporation.

Purposes for which the Fund may be expended.

18. Subject to the provisions of this Act and of any rules made by the Government in that behalf, the Mysore Labour Housing Fund shall be expended only for the following purposes, namely:—

(*i*) defraying the cost of erecting or re-erecting and maintaining and repairing housing accommodation for employees and of providing services and facilities connected therewith;

(*ii*) defraying the cost of preparing schemes, and of acquiring any land required, for the purposes referred to in clause (*i*);

(Finance and Audit)

(*iii*) payment of grants, subject to the previous approval of the Government, to a local authority or any employer, of money in aid of any scheme approved by the Corporation for the purposes referred to in clauses (*i*) and (*ii*) and in section 11;

(*iv*) payment of fees and allowances to members of the Corporation and local committees;

(*v*) payment of salaries, leave and joining time allowances, gratuities and compassionate allowances, pensions, contributions to provident or other benefit fund of officers and servants of the Corporation and meeting the expenditure in respect of offices and other services set up for the purposes of giving effect to the provisions of this Act;

(*vi*) defraying the cost (including all expenses) of auditing the accounts of the Corporation and of the valuation of its assets and liabilities;

(*vii*) payment of any sums under any contract entered into for the purposes of this Act by the Corporation or by any officer duly authorised by the Corporation in that behalf;

(*viii*) payment of any sums under any decree or order of any court against the Corporation or any of its officers or servants for any act done in the execution of his duty or under a compromise or settlement of any suit or other legal proceeding or claim instituted or made against the Corporation;

(*ix*) defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under this Act;

(*x*) defraying expenditure, within the limits prescribed, on measures referred to in section 11; and

(*xi*) such other purposes as may be authorised by the Corporation with the previous approval of the Government.

Holding of property, etc.

19. (1) The Corporation may, subject to such conditions as may be prescribed by the Government, acquire and hold property both movable and immovable, sell or otherwise transfer any movable or immovable property which may have been acquired by it and do all things necessary for the purposes for which the Corporation is established.

(2) Subject to such conditions as may be prescribed by the Government, the Corporation may, from time to time, invest any moneys which are not immediately required for expenses properly defrayable under this Act, and may, subject as aforesaid from time to time, re-invest or realise such investments.

(3) The Corporation may, with the previous sanction of the Government, and on such terms as may be prescribed by it, raise loans and take measures for discharging such loans.

(4) The Corporation may, with the approval of the Government, constitute for the benefit of its staff, or any class of them, such provident or other benefit fund as it may think fit.

Grants by the Government to be treated as loan.

20. All expenditure incurred by the Government for, and in connection with, the establishment of the Corporation up to the date of its establishment shall be treated as a loan advanced by the Government to the Corporation, and such loan and all moneys granted as loans by the Government to the Corporation shall be recoverable with interest at three per cent per annum in such manner as may be prescribed.

Budget estimates.

21. The Corporation shall, in each year, frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget for the approval of the Government before such date as may be fixed by it in that behalf. The budget shall contain provisions adequate in the opinion of the Government for the discharge of the duties of the Corporation and for the maintenance of a working balance.

Accounts.

22. The Corporation shall maintain correct accounts of its income and expenditure in such form and in such manner as may be prescribed by the Government.

Audit.

23. (1) The accounts of the Corporation shall be audited, at such times and in such manner as may be prescribed, by auditors appointed by the Government.

(2) The auditors shall, at all reasonable times, have access to the books, accounts and other documents of the Corporation and may, for the purposes of the audit, call

for such explanation and information as they may require or examine any officer of the Corporation.

(3) The auditors shall forward to the Government a copy of their report together with an audited copy of the accounts of the Corporation.

(4) The cost of the audit as determined by the Government shall be paid out of the funds of the Corporation.

Annual report.

24. The Corporation shall submit to the Government an annual report of its work and activities.

Budget to be placed before the Legislature.

25. The annual report, the audited accounts of the Corporation and the budget as finally adopted by the Corporation shall be placed before the Mysore Legislature and published in the official Gazette.

Valuation of assets and liabilities.

26. The Corporation shall, at intervals of three years, have a valuation of its assets and liabilities made by a valuer appointed with the approval of the Government :

Provided that it shall be open to the Government to direct a valuation to be made at such other times as it may consider necessary.

Powers of the Corporation, etc.

Provisions regarding housing accommodation.

27. (1) The occupation by any person of any housing accommodation provided out of the Mysore Labour Housing Fund shall be subject to compliance by that person at all times with such conditions relating to his occupation of such accommodation as may be prescribed.

(2) Before any person occupies any such accommodation he shall be furnished with a copy of the conditions referred to in sub-section (1), and if he so desires the said conditions shall be read over to him in a language which he understands; and the Corporation shall cause to be published in such manner as it thinks best adapted for informing the persons concerned any changes which may from time to time be made in the said conditions.

(3) If in the opinion of the Corporation any person in occupation of any such accommodation fails or ceases to comply with any of the conditions referred to in sub-section (1), it may, by notice in writing, require him to vacate the accommodation on or before such date, not

being less than thirty days after the service of the notice; and the occupation of such accommodation by such person or any dependent of his after the date so specified shall be unlawful, and such person or dependent may be evicted accordingly by due process of law from such accommodation.

(4) There shall be payable in respect of the occupation of any such accommodation as aforesaid rent at such rate as may be prescribed not exceeding:—

(*i*) where a single employee occupies such accommodation, seven and a half per cent of the capital cost of the accommodation or ten per cent of the wages of such employee, whichever is less; and

(*ii*) where more than one employee occupy such accommodation, ten per cent of the capital cost of the accommodation or fifteen per cent of the wages of the highest paid employee among them, whichever is less.

(5) (*i*) All rent payable in respect of the occupation of such accommodation as aforesaid shall in the first instance be paid by the employer of the employee occupying the accommodation.

(*ii*) Notwithstanding anything contained in any other enactment but subject to the provisions of any regulations, if any, under this Act, the employer shall be entitled to recover the rent paid by him under clause (*i*) by deductions from the wages of the employee concerned, and not otherwise.

Housing accommodation to be in good habitable condition.

28. (1) It shall be the duty of the Corporation to keep the housing accommodation under its control in a good habitable condition.

(2) Where the Government or any local authority or any court notified by the Government in this behalf upon consideration of any representation or of a report from any of its officers or other information received by it, is satisfied that any housing accommodation under the control of the Corporation is in any respect not in a good habitable condition, it may, unless it is satisfied that it is not capable at a reasonable expense of being brought to a habitable condition, serve upon the Corporation a notice requiring it, within such reasonable time, not being less than twenty-one days as may be specified in the notice, to

execute the works specified in the notice and stating that in the opinion of the Government, the local authority or the court, as the case may be, those works will bring the house to a good habitable condition.

(3) (*a*) The Corporation may within twenty-one days of the service of the notice under sub-section (2) by a local authority or a court, appeal to the Government, or where the notice is served by the Government, apply to it for a review and no proceedings shall be taken by the Government or the local authority or the court, as the case may be, to enforce the notice before the appeal or the application for review, as the case may be, has been finally determined.

(*b*) The Government may on such appeal or application for review make an order either confirming or quashing or varying the notice, and such order of the Government shall be final and conclusive.

(4) If a notice served on the Corporation under sub-section (1) is not complied with, then, after the expiration of the time specified in the notice or, if an appeal or an application for review has been made against the notice and upon that appeal or application for review the notice has been confirmed with or without variation, after the expiration of twenty-one days from the final determination of the appeal or application for review, or of such longer period as the Government, in determining the appeal or application for review, may fix, the Government or the local authority or the court, as the case may be, may itself cause the work required by the notice, or by the notice as varied by the Government, to be done.

(5) Any expenses incurred by the Government as a local authority or a court under sub-section (4), together with interest at six per cent per annum, from the date when a demand for the expenses is served until payment, may be recovered from the Corporation summarily as if the notice of demand were a decree of a civil court, and any civil court of competent jurisdiction shall execute such notice of demand as if it were a decree of such court.

Duty of the Corporation to inspect working class houses.

29. It shall be the duty of the Corporation to cause an inspection to be made from time to time of houses occupied by working class people and the areas in which

such houses are located with a view to ascertaining whether such houses are fit for human habitation and whether such areas are maintained in a proper condition so as to ensure the safety, health and well-being of working class people.

Powers of the Corporation in respect of houses occupied by working class people.

30. The Corporation may exercise the powers and perform the functions of a local authority in accordance with the provisions of section 28 in respect of houses occupied by working class people of which any person other than the Corporation is the owner, and the provisions of the said section shall thereupon apply to such houses as if the Corporation were a local authority and the owner of such houses were the Corporation.

Power of the Corporation to acquire insanitary houses, etc.

31. (1) If the Corporation is satisfied that any house occupied by working class people is unfit for human habitation and not capable at a reasonable expense of being rendered so fit or that in any of the cities or towns which the Government may by order specify, any area contains fifty or more working class houses and at least one-third of the working class houses in such area are overcrowded or unfit for human habitation and not capable at a reasonable expense of being rendered so fit or so arranged as to be congested, the Corporation may, with the sanction of the Government, acquire such house or such area and take action as hereinafter provided.

(2) The Corporation may, subject to the sanction of the Government, demolish and reconstruct any house acquired under sub-section (1) and may subject to a like sanction demolish and reconstruct houses in any area acquired under sub-section (1) or otherwise lay out and use the area for providing any amenities for employees as the Government may approve.

Compensation for house unfit for human habitation.

32. Where any land is acquired by the Corporation under sub-section (1) of section 31, the compensation payable in respect thereof shall be determined in accordance with the Mysore Land Acquisition Act, 1894, subject to the condition that the compensation to be paid for a house unfit for human habitation and not capable at reasonable expense of being rendered so fit, shall be the value of the land as a site cleared of the building.

(Powers of the Corporation, etc.—Miscellaneous)

Provisions relating to acquisition proceedings

33. (1) Any land required by the Corporation for carrying out its functions under this Act shall be deemed to be needed for a public purpose and such land shall be acquired for the Corporation as if the provisions of Part VII of the Mysore Land Acquisition Act, 1894, except the provisions of sections 39 to 42, both inclusive, were applicable to it and the Corporation were a company within the meaning of clause (*e*) of section 3 of the said Act.

(2) The Government may, by notification in the official Gazette, appoint any officer of the Corporation to be a Land Acquisition Officer in respect of lands to be acquired by the Corporation and thereupon such officer shall exercise the powers and perform the duties of a Deputy Commissioner in respect of those lands under the Mysore Land Acquisition Act, 1894.

(3) Any order of acquisition of land or any award of any compensation in respect of any acquisition of land by or for the Corporation shall be subject to the provisions of the Mysore Land Acquisition Act, 1894.

Miscellaneous.

Maintenance of public streets by the Corporation.

34. (1) Where in connection with housing operations of the Corporation, new buildings are constructed or existing buildings reconstructed or public streets and roads are laid out and constructed or reconstructed in accordance with plans and specifications approved by the Government, the provisions of any municipal or other law relating to buildings or roads shall not, so far as they are inconsistent with the plans and specifications so approved, apply to those buildings and streets, and, notwithstanding the provision of any other Act, any public street or road laid out and constructed in accordance with those plans and specifications may be maintained by the Corporation.

(2) In respect of the cities of Bangalore, Mysore and the Civil Station of Bangalore and such other areas as may be notified by Government, the Government shall not approve for the purposes of sub-section (1) any plans and specifications inconsistent with the provisions of any law relating to buildings or roads in force in the cities of Bangalore, Mysore and Civil Station of Bangalore and such other areas as may be notified by Government except after consultations with the municipal authorities for the

cities and areas on the general question of the relaxation of such provisions in connection with housing operations.

Conditions relating to housing accommodation provided by employers.

35. Notwithstanding any provision of law for the time being in force, if any employer has provided housing accommodation for his employees, such employer and employees shall comply with such provisions as may be prescribed regulating (i) the occupation of such accommodation, (ii) the rents payable for such occupation, (iii) the proper maintenance of such accommodation, (iv) the rights and liabilities of the employer and the employees in respect of such accommodation, and (v) the circumstances in which such employees can be evicted from such accommodation.

Condition relating to housing accommodation provided by employers after commencement of Act

36. Save as otherwise provided by this Act, after the commencement of this Act, where any employer provides housing accommodation for his employees, such housing accommodation shall comply, and be in accordance with, such conditions and provisions as may be prescribed.

37. (1) The Corporation may appoint such persons as inspectors, as it thinks fit, for the purposes of this Act, within such local limits as it may assign to them.

Inspectors, etc., their functions and duties.

(2) Any inspector appointed by the Corporation under sub-section (1) or any other official of the Corporation authorised by it in this behalf, may, with such assistance, if any, as he thinks fit, enter, at all reasonable times, any place which he considers it necessary to enter for the purpose of supervising or carrying out the measures financed from the Fund and may do therein anything necessary for the proper discharge of his duties.

(3) Any person appointed or authorised in this behalf under any rule or order made under this Act, may, with such assistance as he thinks fit, at all reasonable times, enter upon any land or premises and there do such things as may be reasonably necessary for the proper discharge of his duties.

Exemptions.

38. (1) The Government may, by notification in the official Gazette and subject to such conditions as may be specified in the notification, exempt any person, or class of persons, or any employer or class of employers from one or more provisions of this Act.

(2) No exemption shall be granted under sub-section (1) unless a reasonable opportunity is given to the Corporation to make any representation it may wish to make in regard to the proposal and such representation has been considered by the Government.

Persons acting under Act are public servants.

39. All members, officers and servants of the Corporation and all persons appointed or authorised to perform any duty or exercise any power under any provision of this Act or under any rule or order thereunder shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code as in force in Mysore.

Bar of suits, etc.

40. (1) No suit, prosecution or other legal proceeding shall lie against any person in the employment of the Corporation or against any person appointed or authorised to perform any duty or exercise any power under any provision of this Act or under any rule or order thereunder, for anything which is in good faith done or purported to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Corporation, or the Government, or any officer or authority subordinate to the Government for any damage caused, or likely to be caused, by anything in good faith done or purported to be done under this Act.

Delegation of powers and duties of the Government.

41. The Government may, by notification in the official Gazette, direct that any power or duty which under any of the provisions of this Act is conferred or imposed on the Government other than those conferred or imposed by sections 3, 4, 5, 7, 8, 12, 15, 17, 31, 33, 38, and 47, shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised, or discharged, by any authority or officer subordinate to the Government.

Contribution or rent recoverable as arrear of land revenue.

42. If any employer fails or neglects to pay any contribution or rent which under this Act he is liable to pay, the amount so payable may be recovered as if it were an arrear of land revenue.

Contribution due to have priority over other debts.

43. There shall be deemed to be included among the debts which, under section 61 of the Mysore Insolvency Act, 1925, or under section 230 of the Mysore Companies Act, 1938, are in the distribution of the property of the insolvent or in the distribution of the assets of a company being wound up, to be paid in priority to all other debts, the amount due in respect of any contribution or any other amount payable under this Act the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date of winding up, as the case may be.

Penalty for contravention of Act, rule or regulation.

44. Whoever contravenes any provision of this Act or any rule or regulation made thereunder shall, without prejudice to any other penalty to which he may be liable and if no other penalty is provided by or under this Act for such contravention, be punishable with imprisonment which may extend to six months, or with fine, or with both.

Penalty for certain contraventions.

45. If any person—

(*a*) fails to pay any contribution or rent which by or under this Act he is liable to pay; or

(*b*) fails or refuses to submit any return required by the rules or regulations or makes a false return; or

(*c*) obstructs any inspector, or other official of the Corporation, or any other competent authority or person in the discharge of his duties;

he shall be punishable with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Prosecution subject to previous sanction of the Government or the Corporation.

46. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the Corporation, or by or with the previous sanction of the Government.

(2) No court shall take cognizance of any offence under this Act except on a complaint made in writing in respect thereof, within six months of the date on which the offence is alleged to have been committed.

Power of the Government to make rules.

47. (1) The Government may, subject to the condition of previous publication, make rules to carry into effect the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, rules made under this section may provide for:

(*i*) the manner in which and the conditions subject to which the contribution levied under sub-section (1) of section 3 and the rent payable under sub-section (4) of section 27 shall be collected, the persons who shall be liable to make the payments, the making of refunds, remissions and recoveries and the procedure to be followed in remitting the contribution or rent to the Corporation, Treasury or the Bank as the case may be;

(*ii*) the composition of the Mysore Labour Housing Corporation, the manner in which its members shall be chosen, the term of office of its members, the allowances, if any, payable to them, the manner in which the Corporation shall conduct its business including the number of members necessary to form a quorum at a meeting thereof and the minimum number of meetings of the Corporation.

(*iii*) the records to be kept of the transaction of business by the Corporation and the local Committees;

(*iv*) the powers and duties of officers appointed under section 8 and the conditions of their service;

(*v*) the procedure to be adopted in the execution of any contracts;

(*vi*) the acquisition, holding and disposal of property by the Corporation;

(*vii*) the raising and repayment of loans and the repayment of the sums due to the Government;

(*viii*) the investment of funds of the Corporation and of any provident or other benefit fund and their transfer or realisation;

(*ix*) the treasury, or the bank or banks in which the funds of the Corporation may be deposited, the procedure to be followed in regard to the crediting of moneys accruing or payable to the Corporation and the manner in which any sums may be paid out of the Corporation funds and the officers by whom such payment may be authorised;

(*x*) the accounts to be maintained by the Corporation and the forms in which such accounts shall be

kept and the times at which such accounts shall be audited;

(*xi*) the publication of the accounts of the Corporation and the report of the auditors, the action to be taken on the audit report, the powers of auditors to disallow and surcharge items of expenditure and the recovery of sums so disallowed or surcharged;

(*xii*) the preparation of budget estimates and of supplementary estimates and the manner in which such estimates shall be sanctioned and published;

(*xiii*) the establishment and maintenance of provident or other benefit fund for officers and servants of the Corporation;

(*xiv*) the returns to be submitted by any employer or owner, the form in which and the times at which such returns should be submitted and the particulars to be given in such returns;

(*xv*) the appointment of persons to ensure compliance with any rules or orders and the powers and duties of such persons; and

(*xvi*) any matter which is required or allowed by this Act to be prescribed.

(3) Rules made under this section shall be published in the official Gazette and thereupon shall have effect as if enacted in this Act.

Power of the Corporation to make regulations.

48. (1) The Corporation may, subject to the condition of previous publication, make regulations not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Corporation and for carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely,—

(*i*) the duties and powers of inspectors and other officers and servants of the Corporation;

(*ii*) the conditions of service of the officers and servants of the Corporation other than the officers appointed under section 8; and

(*iii*) any matter in respect of which regulations are required or permitted to be made by this Act.

(3) Regulations made under this section shall be published in the official Gazette and thereupon shall have effect as if enacted in this Act.

THE SCHEDULE.

[See *Section* 2 (1) (*xii*).]

1. Employment in any textile mill.
2. Employment in any iron or steel works.
3. Employment in any tobacco (including beedi making) manufactory.
4. Employment in any factory as defined in the Mysore Factories Act, 1936, in which fifty or more persons are employed.